

Appl. No. 10/706,375
Atty. Docket No. 9098
Amdt. dated July 21, 2005
Reply to Office Action of June 23, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1 – 11 and 18 – 20 are pending in the present application. No additional claims fee is believed to be due. Claims 12 – 17 are canceled without prejudice. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Response to Requirement for Restriction of Inventions

The Examiner has required, under 35 USC §121, election of a single disclosed invention for prosecution on the merits. The Office Action provides for three groupings of inventions. Invention I consists of Claims 1 – 9 and is drawn to a process. Invention II consists of Claims 10, 11, and 18 – 20 and is drawn to a product made by the process. Invention III consists of Claims 12 – 17 and is drawn to an apparatus utilized by the process. Pursuant to this requirement, Applicants hereby provisionally elect to prosecute Claims 10, 11, and 18 – 20 which are designated in the Office Action as Invention II. This election is made with traverse.

The traversal of the indicated restriction requirement is made as Applicant submits that the restriction is improper. The Office states that Inventions I and II are independent and distinct in that "the product as claimed can be made by a materially different process such as spun bonding, without hydroentanglement, or only using a lower mesh with the hydroentanglement." Applicant asserts that the process of Invention I (claims 1-9) is an obvious process of making the product of not only claims 10 – 11 and 18 – 20 especially since claim 10 depends from claim 1. Additionally, the product of claims 10 – 11 and 18 – 20 cannot be made by another and materially different process since spunlacing is required as evidenced in the preamble of the product claims. Furthermore, there would be no significant burden placed on the Examiner to search and examine these two groups together.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider the application. Early and favorable action in the case is respectfully requested.

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This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 – 11 and 18 – 20 is respectfully requested.

Respectfully Submitted,

By 

Date: *July 21, 2005*
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